

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK

JAN -8 2007

COURT OF APPEALS  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Appellee,	)	2 CA-CR 2006-0059
	)	2 CA-CR 2006-0060
	)	(Consolidated)
v.	)	DEPARTMENT B
	)	
PETER JOSEPH VISCONTI, IV,	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
Appellant.	)	Rule 111, Rules of
	)	the Supreme Court

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APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause Nos. CR-20043325 and CR-20044840

Honorable Charles S. Sabalos, Judge

AFFIRMED

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Robert J. Hooker, Pima County Public Defender  
By John F. Palumbo

Tucson  
Attorneys for Appellant

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E S P I N O S A, Judge.

¶1 Between June 15, 2004 and March 21, 2005, appellant Peter Joseph Visconti, IV was arrested on four occasions and charged in separate indictments with numerous felonies. After two separate jury trials, Visconti was convicted of knowing possession of a firearm by a prohibited possessor, unlawful possession of methamphetamine, and possession

of drug paraphernalia. Visconti committed the weapons offense on June 15, 2004, and the methamphetamine and drug paraphernalia offenses on November 1, 2004. After he was convicted on these charges, Visconti pled guilty to unlawful possession of marijuana and unlawful possession of drug paraphernalia, committed on February 24, 2005, and theft of a means of transportation by control, committed in March 2005.

¶2 Visconti appeals from the convictions and sentences resulting from each of the two jury trials. We have consolidated the two appeals for review. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing he has read the entire record in each case but has found no meritorious issue to raise on appeal. Counsel has complied with the requirements of *Clark* by “setting forth a detailed factual and procedural history of the case[s] with citations to the record, [so that] this court can satisfy itself that counsel has in fact thoroughly reviewed the record[s].” *Id.* ¶32. Counsel asks us to search the records for reversible error. Visconti has not filed a supplemental brief.

¶3 At the January 2006 sentencing for all convictions, the court sentenced Visconti to a presumptive term of imprisonment of 3.5 years for the theft conviction. For all other convictions, the court suspended the imposition of sentence and placed Visconti on intensive probation for four years for the class four felonies and three years for the class six felonies. The court ordered the probation terms to be served concurrently with each other but consecutively to the term of imprisonment.

¶4 Pursuant to our obligation under *Anders*, we have reviewed each record in its entirety, viewing the evidence in the light most favorable to upholding the verdicts. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). We are satisfied that the records in these two cases support counsel’s recitation of the facts in Visconti’s opening brief.

¶5 Specifically, Visconti’s trial on the weapons charge included testimony that Visconti had previously been adjudicated delinquent, had been in possession of a handgun when stopped by police, and had voluntarily admitted he was carrying a gun without having had his civil rights restored. This evidence was sufficient to establish the elements of a violation under A.R.S. § 13-3102(A)(4).

¶6 Similarly, in the jury trial on Visconti’s possession of methamphetamine and drug paraphernalia charges, Tucson Police Department Detective Scott Haynes testified that, after he had discovered two plastic bags in Visconti’s pockets during a consensual search, Visconti voluntarily admitted the bags contained methamphetamine. This testimony sufficiently established the elements of offenses under §§ 13-3407(A)(1) and (B), 13-3415(A), and 13-3418.

¶7 Thus, the convictions are supported by substantial evidence. *See State v. Mathers*, 165 Ariz. 64, 67, 796 P.2d 866, 869 (1990). Furthermore, the trial court’s suspension of sentences and imposition of terms of intensive probation was authorized by

§§ 13-603 and 13-914. We have found no reversible error and therefore affirm the convictions and sentences.

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PHILIP G. ESPINOSA, Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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J. WILLIAM BRAMMER, JR., Judge